

The evidence of ILECs sabotaging the competitors despite their current "dominant" classification is well known. Ordering a DSL connection with an ILEC's competitor is likely to take months, while the ILEC's own DSL will be installed in a matter of days. The discrepancy can not be reasonably explained by the flaws of the competition alone -- ILECs (I speak from experience with Verizon) are not cooperating.

They will, for example, _lie_ to the competitors telling them their customer is too far to get the DSL installed, or _lie_ that the line-sharing DSL is not possible for a particular customer. When the customer -- frustrated with the ILEC's competitor -- calls to order DSL from the ILEC directly, magically all of the previously "impossible" things become available.

By classifying them as non-dominant you'll make it even easier for them to stifle competition and abuse their monopoly power.